



MADBURY PLANNING BOARD

13 Town Hall Road, Madbury, NH 03823

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Approved

OFFICIAL BUSINESS

Minutes of: August 16, 2023

Meeting Convened: 7:00 pm

Members in Attendance:

Douglas Hoff - Vice Chair
Tim Burt -Ex Officio
Tom Burbank
Michael Card - Secretary
Andrew Losee
Courtemanche - Alternate

Support Staff:

Elizabeth Durfee - Contract Planner
Daphne Chevalier - Recording Secretary

Meeting Attendees:

Eric Fiegenbaum, 6 Moharimet Road Bill
Peggy Wolcott, 98 Old Stage Road, Madbury
Liam Kalloch, CMA Engineering
Selectman Mark Avery, 7 Evans Road
Pamela and Jeremy Kent, 5 Cherry Lane
Beth and Chuck Goss, 6 Cherry Lane

1. Call to Order

Vice Chair Hoff called the meeting to order at 7:00 pm.

2. Seating of Alternates

Alternate Courtemanche was seated in Chair Goodnow's absence.

3. Approval of Minutes

Motion by Member Burt to accept the minutes for 2 August, 2023 as presented.

Seconded by Member Losee. **Motion passed unanimously.**

4. CMA Engineering Presentation on Freshet Road Bridge

Mr. Kalloch presented information on the Freshet Road Bridge project to replace the deteriorating bridge, which has exceeded its service life. It currently has a condition rating of three out of ten. The project will involve design and construction of the crossing over Johnson Creek and is being funded through the NHDOT State Bridge Aid program. The project will also include replacement of the guardrail. The current structure is a buried metal plate arch constructed in 1974, the bottom of which is set too high and restricts aquatic organism passage. The project will include the following components: collection of site data (survey of existing site features), hydrology and hydraulic evaluation, environmental permitting, right of way and utilities, layout and design of new bridge, and coordination of local access during construction. The project is currently in the engineering study phase and is seeking feedback from the

community for local concerns. Mr. Kalloch provided a preliminary schedule, beginning this month with a Local Concerns Meeting. He provided the following schedule: preliminary design completed by August 2024, final design completed July 2025, project advertised fall 2025, and construction summer 2026. He invited questions from the Board and the public.

Member Burt explained the Select Board has already heard the information and asked about road access during the project. Mr. Kalloch stated there are two options: a full road closure with safety barricades and a signed detour route or phased construction of the bridge to provide single lane access on the road. CMA will work to determine potential costs and project duration, as a single lane option would add duration and cost to the project. This will be included in the engineering study so the town can evaluate the available options.

Ms. Durfee asked how the design would accommodate for extreme precipitation. Mr. Kalloch stated NH DOT has standard guidance for bridge construction and what size will be needed for storms to pass. The design will meet the State guidance for current storm events but also accommodate potential future rainfall.

Ms. Wolcott asked how wide the bridge will be and if it can accommodate bicyclists. Mr. Kalloch stated the intent is to match what is currently there, so the width of pavement would be maintained at 22ft.

5. Workshop Session: Tourist House definition and Air BnB discussion with Select Board members

Member Burt explained the Select Board needed help interpreting the definition of tourist home and if short-term rentals would be considered part of that definition. The Board determined a short-term rental would be considered a tourist home. Chair Hoff read Madbury's current definition of a tourist home. Ms. Durfee explained that municipalities are handling this differently. Selectman Avery said Madbury's definition seems to focus on sleep and asks how that might impact businesses that are primarily offering events with an overnight as an option but not the primary purpose of the business. He also expressed concerns about the number of people exceeding the septic system limit of the property and its impact on the environment and parking. He wonders if some of the other activities could be considered a home occupation and enforced under the current home occupation regulations. Member Burt suggested the best course of action would be to create regulations where some kind of permitting is required.

Mrs. Kent of 5 Cherry Lane spoke to express concerns about her neighbors, who have a very active Airbnb and VRBO offering listed at \$2500/night and who are not present on the property when it is being rented. She informed the board of the high level of noise coming from that property as a result of the numerous people at the property at one time, as well as bands playing at unpredictable and late hours in the converted barn. She further reported there is often a large number of cars at the house. The Kents feel like they live next to an adult version of UNH Frat Row. They have made multiple noise complaints to Airbnb as well as the police; however, given Madbury's volunteer police department and the State Police's availability, the police are not always available to respond. They met with the property owners, Tim and May Martin, to express their concerns; despite communications with the neighbors, nothing has changed. Mr.

Kent stated the Airbnb noise policy is more about protecting the home owners rather than the neighbors. If an event at the property is not publicly advertised as a party, it is not considered a party by Airbnb. He said they live next to a resort hotel. Their street is not the quiet charming location it was five years ago.

Mrs. Goss stated she and Mr. Goss remain on site and manage their rental at Powder Major's Farm across the street from the Kents. Their guest house is available only to those who are having a wedding on the property. The time frame for noise is a difficult issue. They also can hear music until midnight. For their rental, they close the doors at 9 pm and have soundproofing. But the Kents have no sound insulation.

Chair Hoff said the board should first define an event. Member Burt said the select board has been in contact with both the Kents and the Martins about these issues. He urged the planning board to focus on determining parameters so the select board can enforce effectively the regulations.

The board discussed whether it would make sense to put short term rentals under home occupation. Ms. Durfee shared the variations and levels some municipalities have regarding accessory use versus home occupation/business. Member Courtemanche expressed concern about potentially tailoring new language based on a single, atypical case.

Mrs. Goss asked if Madbury has restrictions on the number of people to whom home owners can rent their property or how many can occupy a structure? Member Burt said there aren't those restrictions. Ms. Durfee said there could be something in the state fire code or septic regulations.

Chair Hoff summarized the two potential approaches: put the concept under home occupation, which would allow the board to have oversight, set hours for noise, look at the property; or create ordinances and regulations around the issues, knowing there could be something new that comes up that wouldn't be addressed under those new ordinances. Ms. Durfee recommends reviewing accessory use standards of other municipalities. Member Burt thinks it is important legally to have a set definition and standard to go by.

Member Card asked to confirm that whatever changes the Board makes would need to go before the Town for vote. Chair Hoff confirmed this. He said the Board will continue to review this issue.

6. Workshop Session: Website discussion with Select Board members

Member Burt stated the board of selectmen sent out notice to all boards asking for input on how to improve the town website and how to address the planning board's sub page. Chair Avery said the Select Board will be asking all boards to post their minutes.

Mr. Goss shared that it might be nice to have the recreation board post availability of fields and what's happening around town. Ms. Durfee recommended posting applications online. Chair Hoff said if the town moved to a full managed website, that the task of posting to the website should be contracted out given the amount of time it would take. He also has concerns about the

unofficial website having out of date tax maps. Ms. Durfee stated the posted document of the town zoning ordinances is not current. Member Burt said he would also like to see the Chairs have permissions to be able to post on the website; but he acknowledged Chair Hoff's statement that there is a lot of work involved for Chairs who are volunteers in managing the website. Member Losee said it is useful to the public to have the agenda posted online. Member Burt shared some of the elements the select board determined they would like to see, including minutes, agendas, contact info, community events, major project progress reports, policies, rules, and ordinances. The planning board determined that the best course of action would be to have the planning board information listed only on the Town website rather than on the separate website, acknowledging the work Mr. Green has put into the page. Chair Hoff stressed it will be important to have someone dedicated to updating the website, someone who can make those changes in a timely manner when changes are made.

7. New Business

Chair Hoff shared that the select board sent a courtesy letter to LandCare. An email has come through from their attorney that they have not yet met all of their conditions and do not believe they will be able to meet the conditions by the deadline. They would like to be put on the agenda to request an extension. Ms. Durfee confirmed that the Board would need to hold a public hearing. Chair Hoff said they would likely need to come before the board on the second meeting in September.

Ms. Durfee shared the questions she put together for a Sticky Dot Poll poster for Madbury Day for the Board to review.

8. Old Business

No old business was discussed.

9. Adjournment

Motion to adjourn by Member Card. **Seconded** by Member Burbank. **Motion passed unanimously.**

Meeting adjourned: 8:49 p.m.

Respectfully submitted by Daphne Chevalier.